

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES MARC MITCHELL,)	
Plaintiff,)	
vs.)	No. 4:10cv00819CEJ
)	
JOSH SHEARRER, et al.,)	
Defendants.)	

DEFENDANT'S OBJECTIONS TO
PLAINTIFF'S DEPOSITION AND INTERROGATORY DESIGNATIONS

Defendants make the following objections to the reading into, or otherwise introducing into evidence of, the following items that appear in "Plaintiff's List Of Depositions and Interrogatory Answers":

Bone Deposition

- p. 20, l. 3-22: vague, ambiguous, and confusing as lacking in context
irrelevant and more confusing/prejudicial than probative
calls for legal conclusions
- p. 21, l. 8-13: irrelevant and more confusing/prejudicial than probative
- pp. 37-38, l. 13-25: calls for legal conclusions
asked and answered
vague, ambiguous, and confusing
hearsay
irrelevant and more prejudicial/confusing than probative
speculation
- p. 40, l. 10-14: irrelevant and more prejudicial/confusing than probative
speculation
legal conclusion
- p. 41, l. 2-25: vague, ambiguous, and confusing
hearsay
irrelevant and more prejudicial/confusing than probative

pp. 49-51, l. 22-23: irrelevant and more prejudicial/confusing than probative
speculation
ambiguous, vague, and confusing
asked and answered
hearsay

Shearrer Deposition & Interragory Response(s)

p. 6, l. 1-2: vague, ambiguous and confusing (lacking in context)
irrelevant and more confusing/prejudicial than probative

pp. 11-12, l. 8-11: irrelevant and more confusing/prejudicial than probative
ambiguous

p. 12, l. 17-25: irrelevant and more confusing/prejudicial than probative

p. 13, l. 4-11: irrelevant and more confusing/prejudicial than probative

pp. 14-15, l. 16-15: irrelevant and more confusing/prejudicial than probative
ambiguous

pp. 16-17, l. 2-13 irrelevant and more confusing/prejudicial than probative

p. 18, l. 2-21: irrelevant and more confusing/prejudicial than probative
asked and answered
speculation

pp. 19-20, l. 11-12: ambiguous
argumentative

pp. 21-22, l. 20-25: irrelevant and more confusing/prejudicial than probative

p. 24, l. 18-20: non-responsive
irrelevant and more confusing/prejudicial than probative

pp. 26-28, l. 14-18: irrelevant and more confusing/prejudicial than probative
ambiguous, vague, and confusing
mischaracterizes testimony
argumentative

p. 33, l. 5-22: irrelevant and more confusing/prejudicial than probative
argumentative
assumes unestablished matter
ambiguous

pp. 34-36, l. 17-10: irrelevant and more confusing/prejudicial than probative
calls for legal conclusions

p. 37, l. 8-23: irrelevant and more confusing/prejudicial than probative
confusing and ambiguous; cumulative

p. 38, l. 6-14: ambiguous and vague
mischaracterizes exhibit

p. 39, l. 7-12: ambiguous

pp. 39-40, l. 24-4: irrelevant and more confusing/prejudicial than probative

pp. 40-41, l. 20-15: argumentative
ambiguous
calls for speculation
irrelevant and more confusing/prejudicial than probative
cumulative

pp. 42-44, l. 12-7: ambiguous
argumentative
assumes unestablished matter
calls for speculation
irrelevant and more confusing/prejudicial than probative

p. 44-45, l. 25-12: vague, ambiguous, and confusing
calls for speculation
irrelevant and more confusing/prejudicial than probative
argumentative and assumes unestablished matter

pp. 50-51, l. 17-3: ambiguous
calls for legal conclusions
irrelevant and more confusing/prejudicial than probative

pp. 51-52, l. 4-5: vague, confusing, and ambiguous
irrelevant and more confusing/prejudicial than probative

pp. 54-55, l. 23-14: irrelevant and more confusing/prejudicial than probative

pp. 57-58, l. 18-21: irrelevant and more confusing/prejudicial than probative
ambiguous
argumentative
mischaracterizes testimony
calls for speculation

p. 59, l. 15-22: irrelevant and more confusing/prejudicial than probative

p. 60, l. 10-16 ambiguous

p. 60, l. 20-24: asked and answered

Shearrer Interrogatory & Response 2 (It is ambiguous and confusing whether Plaintiff intends to designate Interrogatory Response 2, 3, or both and Defendants object accordingly; it would appear that Plaintiff intends to designate only 3 and may well have referred to 2 via a typographical error, in which case Defendants would withdraw this objection, and as it is repeated below):

irrelevant and more confusing/prejudicial than probative
cumulative

Shearrer Interrogatory & Response 3 (It is ambiguous and confusing whether Plaintiff intends to designate Interrogatory Response 2, 3, or both and Defendants object accordingly):

irrelevant and more confusing/prejudicial than probative
cumulative

Richardet Deposition

p. 5, l. 18-23: irrelevant and more prejudicial/confusing than probative

p. 14, l. 9-23: irrelevant and more prejudicial/confusing than probative
argumentative and assumes unestablished matter

p. 17, l. 10: ambiguous and confusing (lacking in context)

pp. 17-18, l. 11-6: irrelevant and more prejudicial/confusing than probative
legal conclusions

pp. 18-19, l. 24-2: irrelevant and more prejudicial/confusing than probative

p. 20, l. 13: ambiguous and confusing (lacking in context)

p. 20, l. 14-21: irrelevant and more prejudicial/confusing than probative

p. 22, l.1-25: irrelevant and more prejudicial/confusing than probative
vague, ambiguous, and confusing

pp. 23-24, l. 24-11: irrelevant and more prejudicial/confusing than probative

pp. 30-31, l. 19-13: irrelevant and more prejudicial/confusing than probative

pp. 32-33, l. 9-15: irrelevant and more prejudicial/confusing than probative

pp. 37-38, l. 7-11: calls for speculation
irrelevant and more prejudicial/confusing than probative

pp. 40-41, l. 14-20: vague, ambiguous, and confusing
irrelevant and more prejudicial/confusing than probative

Smith Deposition

p. 9, l. 6-12 irrelevant and more prejudicial/confusing than probative
lack of foundation for spoliation

pp. 9-12, l. 13-5: irrelevant and more prejudicial/confusing than probative

pp. 13-16, l. 7-2: irrelevant and more prejudicial/confusing than probative
non-responsive
ambiguous and confusing

Buckley Deposition

irrelevant and more prejudicial/confusing than probative (all designated portions)

Spiker Deposition

p. 5, l. 1-2: non-testimonial
vague, ambiguous, and confusing (lacking in context)

p. 6, l. 6: vague, ambiguous, and confusing (lacking in context)

p. 18, l. 1-15: irrelevant and more prejudicial/confusing than probative

p. 21, l. 1-2: vague, ambiguous, and confusing (lacking in context)

p. 22, l. 4-9 vague, ambiguous, and confusing (lacking in context)

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Certificate Of Service

The undersigned certifies that a true and correct copy of the foregoing was served upon all counsel of record, including John M. Albright of Moore, Walsh & Albright, L.L.P., 433 N. Main Street, P.O. Box 610, Poplar Bluff, MO, 63902, via the court clerk's electronic notification system, on this 7th day of July, 2014.

/s/Mark H. Zoole